

*AUSA Kelly**3/23/12*

UNITED STATES DISTRICT COURT
for the
Southern District of Ohio

In the Matter of the Search of)
 (Briefly describe the property to be searched)
 or identify the person by name and address))
)
 USPS Express Mail parcel EK042099235GB)
 addressed to J. White, 1607 Bending Willow Ln.,)
 Hilliard, OH 43026; bearing the return address)
 of Howard, 40 Ainslie Rd., Fulwood, Preston,)
 PR2 3DD, GB.)

Case No. *2:12-mj-203*

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Southern District of Ohio (*identify the person or describe the property to be searched and give its location*):

USPS Express Mail parcel EK042099235GB addressed to J. White, 1607 Bending Willow Ln., Hilliard, OH 43026; bearing the return address of Howard, 40 Ainslie Rd., Fulwood, Preston, PR2 3DD, GB. The parcel is a 15"x 10"x 6" red cardboard box, sealed with "Fragile" tape, weighing 7.4 pounds; with a dispatch date of March 19, 2012, from Great Britain. The parcel is presently located at 850 Twin Rivers Dr., Columbus, OH 43216.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

**A quantity of controlled dangerous substance which is contraband, in violation of Title 21,
 United States Code, Section 841(a)(1), Distribution of Controlled Substances, and Title 21, United States Code,
 Section 843(b), Unlawful Use of Communication Facility (U.S. Mail)**

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 21 U.S.C. 841(a) & 843(b) and the application is based on these facts:

See attached Affidavit

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Donny T. Simmons, Postal Inspector
Printed name and title

Sworn to before me and signed in my presence.

Date: March 23, 2012


Judge's signature

City and state: Columbus, Ohio

Terence P. Kemp, U.S. Magistrate/Judge
Printed name and title

Attachment to Application and Affidavit for Search Warrant

I, Donny T. Simmons, Postal Inspector, being duly sworn, depose and state as follows:

I have been a U.S. Postal Inspector for the past 21 years, enforcing federal mail and drug laws; currently assigned to Columbus, OH. I have received training at U.S. Postal Inspection Service National Training Seminars for mail related criminal investigations and have investigated cases with other federal, state, and local police units.

The U.S. Postal Inspection Service is aware that drug traffickers have been using Express Mail, a business-oriented service offered by the Post Office, to transport controlled substances and transfer funds, cash or otherwise, to further their enterprises. As a result of past investigations and prosecutions, the Postal Inspection Service has determined that a number of indicators can be used to identify packages containing contraband that have been entered into the Express Mail network. Inspectors routinely review shipment documents and Express Mail packages originating from or destined to drug source areas, to identify instances where there is a possibility of drug trafficking.

On March 22, 2012, Postal Inspectors in Columbus, OH, were examining incoming Express Mail at City Gate Processing and Distribution Center, Columbus, Ohio. Inspectors found a package that they believed contained illegal narcotics.

On March 22, 2012, Postal Inspectors took custody of USPS Express Mail parcel EK042099235GB addressed to J. White, 1607 Bending Willow Ln., Hilliard, OH 43026; bearing the return address of Howard, 40 Ainslie Rd., Fulwood, Preston, PR2 3DD, GB. The parcel is a 15"x 10"x 6" red cardboard box, sealed with "Fragile" tape, weighing 7.4 pounds; with a dispatch date of March 19, 2012, from Great Britain. The Customs label on the parcel states it contains "Fabric Samples". The package is damp to the touch and has a smell coming from it your affiant recognizes as Khat.

Your affiant has written over 100 search warrants for Khat. Khat has a distinctive odor and your affiant recognizes that smell in this parcel.

A computerized address check revealed 1607 Bending Willow Ln., Hilliard, OH 43026, is a legitimate address for Hilliard, OH 43026; however J. White is not shown as residing at that address. The address of 40 Ainslie Rd., Fulwood, Preston, PR2 3DD, GB, which is in Great Britain, was unable to be verified. I know that Khat traffickers have, in the past, have used legitimate addresses with fictitious names to receive parcels containing contraband. The condition of the

parcel and the weight of the parcel, lead your affiant to believe the parcel contains Khat. Your affiant also knows from past Khat seizures that the mailers have stated, on the Customs form, the packages contain common items.

Khat is a flowering evergreen shrub that is native to East Africa and contains cathinone (schedule I) and cathine (schedule IV). The stems of this plant are chewed by emigrants of the source countries for an intoxicating effect. These stems are usually shipped overnight mail because the plants must be fresh in order for the cathinone to maintain its maximum potency. When this happens the cardboard boxes the Khat is shipped in become damaged due to the fact the cardboard absorbs the moisture from the plants.

It is known from past drug investigations that drug detecting K-9's are not trained to alert on Khat; therefore the package was not subjected to a K-9 search.

Based on the facts set forth in this Affidavit, I believe there is probable cause to believe that controlled substances are being concealed in the parcel, and seek the issuance of a warrant to search the parcel for controlled substances to be seized.



Donny Simmons, U.S. Postal Inspector

Sworn to before me, and subscribed in my presence, this 23rd day of March 2012,
at Columbus, Ohio.



Terence P. Kemp, U.S. Magistrate/Judge